IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7234 of 1991

with

SPECIAL CIVIL APPLICATION No 7235/91, 7236/91, 7237/91 & 7248/91

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MANEKCHOWK CO OP BANK LTD

Versus

KARTA OF HUF NATVARLAL K PATEL

Appearance:

MR AK CLERK for Petitioner

MR SAURABH MEHTA FOR MR YN OZA for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 28/07/2000

ORAL JUDGEMENT

#. As in all these special civil applications, identical issues arise for consideration, and further as they arise from the common order of the Gujarat State Cooperative Tribunal, Ahmedabad, passed in revision application, the same are taken up for hearing together and are being disposed of by this common order.

#. All these matters were admitted and interim relief in terms of para-9(a) has also been granted, meaning thereby, the order of the Tribunal has been stayed.

#. These special civil applications arise from the arbitration suits bearing No.1116/88 to 1120/88, which were filed in the court of Registrar's Nominees. The proceedings of those suits were not stayed by this court and therein, there are all the possibilities that by now, those suits would have been disposed of. But the learned counsel for the petitioner as well as learned counsel for the respondent are not in a position to throw any light on this aspect. The Lavad Suits were filed by respondents. In the Lavad Suits, prayers have been made by respondents for restraining the petitioner-bank from attaching their F.D.R. and further from disallowing the respondent to withdraw the interest amount accrued on the said deposits. Application has also been filed for grant of interim relief and though initially interim relief has been granted, after hearing the petitioner, it was vacated. The respondents filed revision applications before the Tribunal and under the impugned order, the same were allowed. The order of the Board of Nominees was quashed and set aside and interim relief is granted in the terms that the respondents are not permitted to withdraw the F.D.R. till the dues of the bank are paid but they were permitted to withdraw interest accrued on the F.D.R. every three months. Hence these special civil applications.

#. The order of the Tribunal has been stayed by this court as said earlier and remains under stay for all these years. So interest of justice will be served in case these special civil applications are disposed of in the terms that the interim relief granted by this court shall continue till decision of the Arbitration Suits in the Court of Board of Nominees. The Board of Nominees, is directed to dispose of the suits, if the same have not been decided so far, within a period of two months from the date of receipt of writ of this order. However, in case where the suits have already been decided, this order will be of no effect and consequences. The special civil applications and Rule therein stand disposed of

accordingly with no order as to costs.

(S.K.Keshote, J.)

(sunil)